

Report Date: November 7, 2014

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 07, 2014**

SEAN F. McAVOY, CLERK

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Elias Bustos Espana

Case Number: 0980 2:08CR02052-EFS-1 &
0980 2:08CR02053-EFS-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: February 11, 2009

Original Offense: 2:08CR02052-EFS-1:

Cts: 1-3: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Cts: 4-6: Unlawful Sale of a Firearm, 18 U.S.C. § 922(d)

2:08CR02053-EFS-1:

Cts 1-4: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison 48 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alison L. Gregoire

Date Supervision Commenced: April 3, 2014

Defense Attorney: Alison Klare Guernsey

Date Supervision Expires: January 31, 2015

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- | | |
|---|---|
| 1 | Special Condition # 17: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances. |
|---|---|

Supporting Evidence: Mr. Espana tested positive for marijuana and cocaine on September 30, 2014.

On September 30, 2014, Mr. Espana submitted to a urinalysis test which returned presumptive positive for the presence of marijuana and cocaine using the MP Rapid Test device. Mr. Espana was confronted regarding the positive drug test to which he adamantly denied any

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illegal drug use. The defendant was given an admission/denial form to which he initialed and signed denying the use of a prohibited substance. Mr. Espana was advised he could address this issue by seeking treatment. Mr. Espana elected to get the results first as he stated he believed the MP Rapid Test device could be faulty. Later this same date, Mr. Espana called and stated he could benefit from inpatient treatment. He was instructed to go back to Triumph Treatment Services (Triumph) and request help in getting into an inpatient program.

On October 3, 2014, Alere Toxicology Services confirmed Mr. Espana's urine specimen collected on September 30, 2014, returned positive for the presence of marijuana and cocaine.

- 2 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Espana failed to seek drug and alcohol treatment at Triumph as directed by his probation officer as of October 7, 2014.

On September 30, 2014, Mr. Espana called this officer and reported he needed help for his drug problem. The defendant was directed to return to Triumph to be re-evaluated for substance abuse treatment. We also discussed him going into inpatient drug and alcohol treatment to which he appeared willing to participate. According to staff at Triumph, Mr. Espana had not reported as directed for services as of October 7, 2014.

- 3 **Standard Condition # 5:** The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons.

Supporting Evidence: Mr. Espana has failed to be gainfully employed as of September 30, 2014.

On September 9, 2014, Mr. Espana reported to the probation office and advised he had been fired from Alexandria Moulding on September 6, 2014, for returning late to his station after lunch. Mr. Espana was advised this officer had emailed Shields recommending he be hired. On September 30, 2014, Mr. Espana reported to the probation office and he was still unemployed. The defendant further stated he had not applied at Shields, because he would rather look for job as a hyster driver at a local apple warehouse.

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The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 7, 2014

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

11/07/2014

Date